

COPY FOR IB
PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

| | |
|-------|-------------|
| REC'D | 17 SEP 2004 |
| WIPO | PCT |

| | | |
|--|---|--|
| Applicant's or agent's file reference OPP-K030416 | FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416) | |
| International application No. PCT/KR2003/000765 | International filing date (day/month/year) 16 APRIL 2003 (16.04.2003) | Priority date (day/month/year) 16 APRIL 2002 (16.04.2002) |
| International Patent Classification (IPC) or national classification and IPC IPC7 B67B 7/16, B67B 7/00, G09F 23/06 | | |
| Applicant KOREA ALPHALINE CO. LTD. et al | | |

| |
|--|
| <p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>3</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p> <p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application |
|--|

| | |
|--|---|
| Date of submission of the demand 14 OCTOBER 2003 (14.10.2003) | Date of completion of this report 26 AUGUST 2004 (26.08.2004) |
| Name and mailing address of the IPEA/KR Korean Intellectual Property Office 920 Dunsan-dong, Seo-gu, Daejeon 302-701, Republic of Korea | Authorized officer JANG, GI JEONG |
| Facsimile No. 82-42-472-7140 | Telephone No. 82-42-481-8141 |

BEST AVAILABLE COPY

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/KR2003/000765

I. Basis of the report

1. With regard to the elements of the international application:*

 the international application as originally filed the description:pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____ the claims:pages _____, as originally filed
pages _____, as amended (together with any statement) under Article 19
pages _____, filed with the demand
pages _____, filed with the letter of _____ the drawings:pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____ the sequence listing part of the description:pages _____, as originally filed
pages _____, filed with the demand
pages _____, filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language English which is the language of a translation furnished for the purposes of international search (under Rule 23.1(b)). the language of publication of the international application (under Rule 48.3(b)). the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

 contained in the international application in written form. filed together with the international application in computer readable form. furnished subsequently to this Authority in written form. furnished subsequently to this Authority in computer readable form The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished. The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. The amendments have resulted in the cancellation of: the description, pages _____ the claims, Nos. _____ the drawings, sheet _____

5.

 This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

** Any replacement sheet containing such amendments must be referred to under item I and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION

International application No.

PCT/KR2003/000765

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. Statement**

| | | | |
|-------------------------------|--------|------|-----|
| Novelty (N) | Claims | 1-3 | YES |
| | Claims | None | NO |
| Inventive step (IS) | Claims | 1-3 | YES |
| | Claims | None | NO |
| Industrial applicability (IA) | Claims | 1-3 | YES |
| | Claims | None | NO |

2. Citations and explanations (Rule 70.7)

Reference is made to the following documents identified in the international search report:

D1: US 4,414,866 A (HIROSHI KICHIJYO) 15 November 1983

D2: US 4,433,597 A (DAVID A. ROWLAND) 28 February 1984

The present invention relates to a push opener comprising an inner housing, an outer housing, a first advertising section, etc.

I. Novelty (N)

D1 and D2 are considered to represent the most relevant state of the art. These documents disclose a bottle cap opener composed of a bottom wall, a top surface, an opening and a hook member, etc., but do not disclose an inner housing, an outer housing and a filler element defined in claim 1 of the present invention.

Therefore, the subject matter of claim 1 meets the requirement of PCT Article 33(2). The subject matter of claims 2 and 3 also meet the requirement of PCT Article 33(2) because they are dependent on claim 1.

II. Inventive Step (IS)

The present invention according to claims 1 to 3 comprises: a transparent inner housing; a transparent outer housing; a first advertising section; an upper lid detachably assembled; a second advertising section; and a filler section placed between the inner and outer housings.

D1 discloses a cap remover comprising a hook member, a pusher, a lever, a spring, etc. D2 discloses a conventional push opener. The inner housing, outer housing, detachable upper lid, filler section and advertising section of the present invention are not disclosed in the conventional push opener and cap opener of the prior art D1 and D2 and these components cannot be easily invented by a person skilled in the art.

Therefore, the subject matter of claims 1 to 3 appears to involve an inventive step and meet the requirement of PCT Article 33(3).

III. Industrial Applicability (IA)

The present invention is used for a bottle opener. Therefore, the subject matter of claims 1 to 3 meet the criteria of PCT Article 33(4).